

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 SAMUEL DODSON,

6 Plaintiff,

7 vs.

8 STATE OF NEVADA, ex rel. DEPARTMENT
OF CORRECTIONS, et al.,

9 Defendants.

2:13-cv-00787-JCM-VCF

ORDER DENYING MOTION TO STRIKE
(#39)

10 Before the court is Defendant State of Nevada's Motion to Strike Plaintiff's January 6, 2016 Filing
11 (#39).

12 On August 3, 2015, this court granted defendants' motion to dismiss (#28) and ordered the case
13 closed. Judgment in favor of defendants was entered (#34). On October 5, 2015, plaintiff filed a motion
14 for reconsideration (#35). Defendants filed a timely opposition (#36). On January 6, 2016, plaintiff filed
15 a document styled, "notice of motion / plaintiff's opposition to defendants' motion to dismiss plaintiff's
16 amended complaint." The clerk docketed this same document twice: (#37) described as MOTION to
17 Reopen Case and (#38) SUPPLEMENTAL RESPONSE to (#28) Motion to Dismiss.

18 Defendants now move to strike the filing docketed as (#37 & #38). Defendants interpret this filing
19 as a reply in support of the motion for reconsideration (#35). Based on this interpretation, defendants
20 argue that the filing must be stricken, because it is untimely. They also argue that it should be stricken as
21 a redundant or duplicative motion on the same issue.

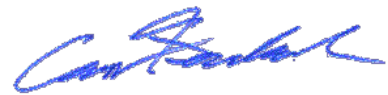
22 Plaintiff argues that he has had difficulty filing papers timely because of his changing locations
23 and conditions of incarceration. On this basis, he requests extension of the time to reply in support of this
24 motion for reconsideration.
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1 Defendants have not demonstrated good cause to strike the filing at issue. When the motion for
2 reconsideration (#35) is decided, defendants will not be prejudiced if the court considers the arguments in
3 the challenged pleadings. The changes in conditions of incarceration described by plaintiff establish good
4 cause to permit the late filing of his reply.

5 Accordingly,

6 IT IS HEREBY ORDERED that Defendants' Motion to Strike Motion to Reopen Case and
7 Supplemental Response (#39) is DENIED.

8 DATED this 25th day of February, 2016.

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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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